

House Study Bill 89

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
COMMERCE, REGULATION
AND LABOR BILL BY
CHAIRPERSON JENKINS)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to workers' compensation disability coverage for
2 occupational hearing loss.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1781YC 81
5 av/gg/14

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1 1 Section 1. Section 85B.4, subsection 3, Code 2005, is
1 2 amended to read as follows:
1 3 3. "Occupational hearing loss" means that portion of a
1 4 permanent sensorineural loss of hearing in one or both ears
1 5 that exceeds an average hearing level of twenty-five decibels
1 6 for the frequencies five hundred, one thousand, two thousand,
1 7 and three thousand Hertz, arising out of and in the course of
1 8 employment caused by excessive noise exposure. "Occupational
1 9 hearing loss" includes all injury, hearing loss, and
1 10 disability caused by tinnitus. "Occupational hearing loss"
1 11 does not include loss of hearing attributable to age or any
1 12 other condition or exposure not arising out of and in the
1 13 course of employment.
1 14 Sec. 2. Section 85B.6, Code 2005, is amended to read as
1 15 follows:
1 16 85B.6 MAXIMUM COMPENSATION.
1 17 Compensation is payable for a maximum of one hundred
1 18 seventy-five weeks for total occupational hearing loss. For
1 19 partial occupational hearing loss compensation is payable for
1 20 a period proportionate to the relation which the calculated
1 21 binaural, both ears, hearing loss bears to one hundred
1 22 percent, or total loss of hearing. An occupational hearing
1 23 loss that is accompanied by tinnitus may be assessed at an
1 24 additional percentage hearing loss of up to and including five
1 25 percent, upon a showing that the tinnitus substantially limits
1 26 the employee's ability to perform one or more major life
1 27 activities.

EXPLANATION

1 28 This bill provides that an "occupational hearing loss"
1 29 includes all injury, hearing loss, and disability caused by
1 30 tinnitus. The bill also provides that an employee with an
1 31 occupational hearing loss that is accompanied by tinnitus may
1 32 be assessed at an additional percentage hearing loss of up to
1 33 and including 5 percent, upon a showing that the tinnitus
1 34 substantially limits the employee's ability to perform one or
2 1 more major life activities.
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